IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 22904 of 2007(B)

PETITIONER:

INDIAN RARE EARTHS LIMITED,
CHAVARA - 691 583, KOLLAM DISTRICT,
REP. BY ITS CHIEF GENERAL MANAGER,
DR.S.SURESH KUMAR.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.ANIL D. NAIR

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE, KOLLAM.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
KARUNAGAPPALLY.

3. THE CIRCLE INSPECTOR OF POLICE,
KARUNAGAPPALLY.

4. THE SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY.

5. THE CIRCLE INSPECTOR OF POLICE, CHAVARA.

6. THE SUB INSPECTOR OF POLICE, CHAVARA.

7. SHRI.PADMESHANAN,
SSV KARAYOGAM, VELLANATHURUTHU,
CHERIAZHEEKAL P.O.

8. SHRI.P.HARIDAS, SBVA KARAYOGAM,
PANDARATHURUTHU, CHERIAZHEEKAL P.O

9. SHRI.VISHNU, NOCHIYIL PURAYIDOM,
PANDARATHURUTHU, CHERIAZHEEKAL P.O

10. SHRI.SUNIL KUMAR,
SECRETARY, SREE BHADRA VILASAM ARAYAJANA
KARAYOGAM, PANDARATHURUTHU, CHERIAZHEEKAL P.O.

11. SHRI.SATHYADEV, SADHUPURATHU,
PANDARATHURUTHU, CHERIAZHEEKAL P.O.

12. SHRI.DIJU,
MALIEKKAL, PANDARATHURUTHU,
CHERIAZHEEKAL P.O.

13. SHRI.KAMALAKUMAR,
PUTHUSSERIL, PANDARATHURUTHU,
CHERIAZHEEKAL P.O.

ADDL. RESPONDENT.

14. THE DISTRICT COLLECTOR, KOLLAM.
(ADDL. 14TH RESPONDENT IS IMPLEADED AS PER ORDER DATED 17.8.07 IN I.A. NO.11038/07)

BY ADV. SRI.N.VIMALAN
GOVERNMENT PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 22904/2007

APPENDIX

PETITIONER'S EXTS.

TRUE COPY OF THE NOTICE DATED NIL SUBMITTED BY RESPONDENTS 7 AND 8 TO THE PETITIONER.

EXT.P2 - TRUE COPY OF THE LETTER NO.CH/HRM/VTM/2006, DATED 13.04.2006 FROM THE PETITIONER TO THE RESPONDENTS 7 AND 8.

EXT.P3 - TRUE COPY OF THE LETTER DATED 15.4.2006 ADDRESSED TO THE DISTRICT COLLECTOR FROM THE PETITIONER.

EXT.P4 - TRUE COPY OF THE LETTER NO.CH/HRM/VTM/2006, DATED 15.4.2006 TO THE 1ST RESPONDENT.

EXT.P5 - TRUE COPY OF THE JUDGMENT DAGTED 19.06.2006 OF THIS HON'BLE COURT IN WP(C) NO.15819 OF 2006.

EXT.P6 - TRUE COPY OF THE COMPLAINT DATED 27.06.207 SUBMITTED BY THE PETITIONER BEFORE THE KARUNAGAPPALLY POLICE STATION.

EXT.P7 - TRUE COPY OF THE COMPLAINT DATED 27.6.2007 ADDRESSED TO THE 1ST RESPONDENT WITH ITS ENCLOSURE.

EXT.P8 TRUE COPY OF THE LETTER DATED 2.7.2007 ADDRESSED TO THE 4TH RESPONDENT WITH COPY TO THE 3RD AND 2ND RESPONDENTS.

EXT.P9 - TRUE COPY OF THE LETTER DATED 13.7.2007 SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.

EXT.P10 - TRUE COPY OF THE ORDER DATED 17.7.2007 IN WP(C) NO.21850 OF 2007 PASSED BY THE DIVISION BENCH OF THE HIGH COURT OF KERALA.

EXT.P11 - TRUE COPY OF THE LETTER DATED 20.7.2007 SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.

EXT.P12 - TRUE COPY OF THE REPRESENTATION BY THE PETITIONER TO THE PRINCIPAL SECRETARY, INDUSTRIES, GOVERNMENT OF KERALA DATED 11.7.2007.

EXT.P13 - TRUE COPY OF THE REPLY LETTER ISSUED BY THE PRINCIPAL SECRETARY DATED 18.7.2007 TO THE PETITIONER.

EXT.P14 - TRUE COPY OF THE MINUTES DATED 28.2.2007 MEETING HELD AT IRE CHAVARA.

EXT.P15 - TRUE COPY OF THE CIRCULAR DATED 9.6.2004 OF THE PETITIONER.

RESPONDENTS' EXTS.

EXT.R10(a) – TRUE COPY OF LETTER DATED 4.4.2005 ISSUED BY THE GOVERNMENT ALONG WITH ITS ENCLOSURE WITH COPY OF THE MINUTES OF THE MEETING HELD ON 16.3.2005.

EXT.R10(b) – TRUE COPY OF NEWSPAPER REPORT APPEARED IN MATHRUBHOOMI DAILY DATED 20.4.2006.

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EXT.R10(c) – TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 19.4.2006 AT THE CHAMBER OF HON'BLE LABOUR MINISTER.

ANNEXURE-R1(a) - TRUE COPY OF THE MINUTES OF THE CONCILIATION MEETING ON 29.3.2007.

ANNEXURE-R1(b) – TRUE COPY OF THE MINUTES OF THE CONCILIATION MEETING ON 10.4.2007.

ANNEXURE—R1(c) – TRUE COPY OF THE MINUTES OF THE CONCILIATION MEETINGS ON 15.5.2007.

ANNEXURE-I - TRUE COPY OF THE MINUTES OF THE MEETING DATED 28.2.07.

ANNEXURE-II – TRUE COPY OF THE NOTE PREPARED IN THE MEETING ON 10.4.07.

ANNEXURE-III – TRUE PHOTO COPY OF THE MINUTES DATED 7.11.07.

/TRUE COPY/

P.R.RAMAN & K.HEMA JJ.

W.P.(C)NO.22904 OF 2007

Dated this the 30th day of July, 2007

O R D E R

Raman,J.

Though notice to respondents 7 to 13 has been served by special messenger, none of them turned up to controvert the averments made in the writ petition. Petitioner is a public sector undertaking, Government of India. They had obtained a mining lease for conducting mining operations in their own land acquired for that purpose. The contractor, with whom the company entered into an agreement for transportation, had obtained an order of protection form this Court as evidenced by Ext.P10. But the mining operation as such could not be carried out because of the illegal obstruction said to have been caused at the instance of respondents 7 to 13.

2. In such circumstances and in the light of the previous orders passed by this Court in W.P.(C).No.15819/2006 as evidenced by Ext.P5, the Superintendent of Police shall state as to why such protection shall not be afforded to the petitioner.

Post on 3/8/2008.

P.R.RAMAN,
Judge.

K.HEMA,
Judge.

kcv.